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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,252	10/27/2003	Norman C. Fawley	59910P003	4350

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EXAMINER

BUTLER, PATRICK

ART UNIT PAPER NUMBER

1732

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,252	<b>Applicant(s)</b> FAWLEY, NORMAN C.	
	<b>Examiner</b> Patrick Butler	<b>Art Unit</b> 1732	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050315, 20040302 &amp; 20040116</u> <i>PRB</i> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 02 May 2006.

### ***Information Disclosure Statement***

The information disclosure statement filed 16 January 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, the document below listed on the IDS appears to indicate 20 pages, yet the document submitted is 19:

*Basic Requirements for Fiber Reinforced Plastic (FRP) Type 3HW Composite Cylinders,*  
DOT article, January 15, 1982 (original) and January 4, 1987 (revision), Pages 1-20

The information disclosure statement filed 15 March 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, DE1110962 is not in the English language and does not have a concise explanation of the relevance. The Arguments submitted with the IDS argue both that the documents are not related to

counterpart applications:

It is hereby stated that no item of information contained in the Information Disclosure Statement was cited in a patent office in a counterpart application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual associated with the filing or prosecution of the subject application more than three months prior to the filing of the Information Disclosure Statement.

and that they are related to counterpart applications:

The references were cited in a Search Report dated February 16, 2005 (copy enclosed herewith) in a counterpart PCT application, which was forwarded to Applicant's Representative in a communication dated February 24, 2005.

Therefore, Applicant is not clearly indicating the former.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method for bending composite reinforced pile.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Clavin (US Patent No. 4,132,104).

With respect to Claim 1, Clavin teaches applying a material to a pipe (see col. 4, lines 43-59), therefore forming a composite reinforced pipe. The pipe is heated prior bending and the pipe is bent (see col. 1, line 57 through col. 1, line 5; fig. 1).

With respect to Claim 2, Clavin teaches heating to a temperature that the coating is not destroyed and is softened and deformed (below a heat distortion temperature) (see col. 4, line 43 through col. 5, line 2).

With respect to Claim 3, Clavin teaches bending at a location then continuing bending at another location (bent incrementally at a plurality of longitudinally displaced locations) (see col. 4, lines 20-42).

With respect to Claim 4, Clavin teaches twelve-inch diameter pipes (see col. 2, lines 50-55) and bending 1° per arc foot (see col. 5, lines 3-5). Thus, a total bend of 1° in an arc foot with a twelve-inch diameter pipe (1° of longitudinal length equal to a diameter of the CRP).

With respect to Claim 7, the pipe is preheated to apply the coating (preheating the pipe) before heating to bend (preheating before heating) (see col. 4, lines 43-65).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clavin (US Patent No. 4,132,104) as applied to Claims 3 and 4 above, and further in view of Lewis (European Patent Application 1 086 760 A2).

With respect to Claim 5, Clavin teaches making a CRP as previously described with 1° bends achieved in the arc distance equal to the pipe's diameter.

Clavin does not explicitly teach bending with individual bends having  $\frac{1}{4}$  the length of the pipe's diameter.

Lewis teaches achieving cumulative bends with spaced  $\frac{1}{4}^\circ$  bends (see col. 9, paragraph [0029]).

In view of Clavin, the spaced  $\frac{1}{4}^\circ$  bends would be  $\frac{1}{4}$  of the 1° arc length (longitudinally displaced locations are separated by a distance equal to approximately  $\frac{1}{4}$  of a diameter of the pipe).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lewis's bend increments with Clavin's pipe bending because Lewis teaches that  $\frac{1}{4}^\circ$  bends can incrementally achieve the larger overall° desired to be obtained (see Lewis, col. 9, paragraph [0029]).

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clavin (US Patent No. 4,132,104) as applied to Claim 1 above, and further in view of Miller et al. (US Patent No. 4,255,378).

With respect to Claim 8, Clavin teaches making a CRP as previously described.

Clavin does not explicitly teach capping the ends of the pipe.

Miller et al. teach capping the ends of a pipe to be bent (see col. 5, lines 22-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Miller's caps with Clavin's bending in order to prevent the wall from buckling up upon formation of the curve (see col. 5, lines 22-29).

With respect to Claim 10, Miller's heating of the tube creates hot air in the tube (introducing hot air into the CRP) (see col. 5, lines 22-29).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clavin (US Patent No. 4,132,104) as applied to Claim 1 above, and further in view of Rossheim et al. (US Patent No. 2,480,774).

With respect to Claim 9, Clavin teaches making a CRP as previously described and bending with resistance heaters.

Clavin does not explicitly teach using induction heaters.

Rossheim teaches induction heaters and resistance heaters are used to bend pipe.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rossheim's induction heaters with Clavin's process of heating pipes being bent because both resistance and induction heaters are capable of satisfactorily functioning in the service of heating a pipe to be bent (see Rossheim, col. 7, lines 41-48).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is (571) 272-

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8517. The examiner can normally be reached on Mo.-Th. 7:30 a.m. - 5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patrick Butler  
Assistant Examiner  
Art Unit 1732



CHRISTINA JOHNSON  
PRIMARY EXAMINER  
7/10/06